

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Mail Stop: PCT**
Makoto TSUNEOKA et al. :
Serial No. NEW : Attorney Docket No. 2004_1597A
Filed October 12, 2004 :
CANCER-ASSOCIATED GENE MINA 53, PROTEIN
MINA 53 AND MONOCLONAL ANTIBODY THEREOF
[Corresponding to PCT/JP03/04699 Filed April 14, 2003]

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

COVER LETTER ACCOMPANYING APPLICATION FILED WITHOUT EXECUTED

DECLARATION UNDER 37 CFR 1.495(c) AND IN A LANGUAGE

OTHER THAN ENGLISH UNDER 37 CFR 1.52(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is a new patent application entitled "CANCER-ASSOCIATED GENE MINA 53, PROTEIN MINA 53 AND MONOCLONAL ANTIBODY THEREOF". This application is submitted in the Japanese language under the provisions of 37 CFR 1.52(d).

Furthermore, the present application is submitted under the provisions of 37 CFR 1.495(c), and the application as filed does not include an executed declaration. However, accompanying the application is an unexecuted declaration listing the inventor information.

The application as filed further does not include an executed power of attorney, and accordingly, it is requested that communication initially be directed to the following firm, until an executed power of attorney and declaration are filed:


WENDEROTH, LIND & PONACK, L.L.P.
2033 K Street, N.W., Suite 800
Washington, D.C. 20006-1021

Telephone: (202) 721-8200
Facsimile: (202) 721-8250

The required filing fee of \$950.00 is enclosed.

Respectfully submitted,

Makoto TSUNEOKA et al.

By 
Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Applicants

WMC/dlk
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
October 12, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
 Makoto TSUNEOKA et al. : **Mail Stop: PCT**
 Serial No. 10/509,073 : Attorney Docket No. 2004_1597A
 Filed October 12, 2004 :

CANCER-ASSOCIATED GENE MINA 53, PROTEIN
 MINA 53 AND MONOCLONAL ANTIBODY THEREOF
**[Corresponding to PCT/JP03/04699
 Filed April 14, 2003]**

SUBMISSION OF DEPOSIT RECEIPT

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

There is submitted herewith a copy of the receipt of the deposit of the microorganism referred to in the specification.

The deposit has been made under the International Budapest Treaty as accession number FERM BP-10157.

Respectfully submitted,

Makoto TSUNEOKA et al.

By Warren M. Cheek, Jr.
 Warren M. Cheek, Jr.
 Registration No. 33,367
 Attorney for Applicants

WMC/dlk
 Washington, D.C. 20006-1021
 Telephone (202) 721-8200
 Facsimile (202) 721-8250
 January 12, 2005

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE
DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY
AUTHORITY identified at the bottom of this page.

Depositor Name: GAKKOUHOJIN KURUME UNIVERSITY
Shigeto MISHIMA, Chairman of Directors
Address: 67, Asahi-machi, Kurume-shi, Fukuoka
830-0011 Japan

I. Identification of Microorganism	
(Identification reference given by the depositor) Mouse-mouse hybridoma MT/HK-1	(Deposit number) FERM BP-10157
II. Scientific Description and Proposed Taxonomic Designation	
The document containing the following items was attached to the microorganism mentioned in I above. <input checked="" type="checkbox"/> Scientific Description <input checked="" type="checkbox"/> Proposed Taxonomic Designation	
III. Receipt and Acceptance	
The International Depositary Authority accepts the microorganism mentioned in I above which was received on .	
IV. Receipt of Request of Transfer	
The International Depositary Authority has accepted the microorganism mentioned in I above on April 9, 2003 (date of domestic deposit). (Transfer from FERM P-19298 deposited on April 9, 2003)	
V. International Depositary Authority	
Name : International Patent Organism Depositary, National Institute of Advanced Industrial Science and Technology Dr. Masakazu Yamaoka, Director (Seal) Address : AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan November 1, 2004	

「特許手続上の微生物の寄託等の国際的承認
に関するブタペスト条約」

下記国際寄託当局によって規則7.1に従い
発行する。

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the INTERNATIONAL
DEPOSITARY AUTHORITY identified at the bottom of this page.

原寄託についての受託証

氏名 (名称)

寄託者

学校法人 久留米大学
理事長 三島 重人 殿

あて名

〒 830-0011
福岡県久留米市旭町67番地

I. 微生物の表示

寄託者が付した識別のための表示)

(受託番号)

Mouse-mouse hybridoma MT/HK-1

FERM BP-10157

II. 科学的性質及び分類学上の位置

I欄の微生物には、次の事項を記載した文章が添付されていた。

☒ 科学的性質

☒ 分類学上の位置

III. 原寄託申請の受託

本国際寄託当局は、 年 月 日に受領したI欄の微生物を受託する。

IV. 移管申請の受託

本国際寄託当局は、平成 15 年 4 月 9 日(国内受託日)に受託したI欄の微生物を受託する。

(平成 15 年 4 月 9 日に寄託されたFERM P- 19298 より移管)

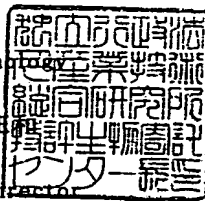
V. 国際寄託当局

独立行政法人産業技術総合研究所 特許生物寄託センター

名称 International Patent Organism Depositary
National Institute of Advanced Industrial Science and Technology

センター長 山岡 正

Dr.Masakazu Yamaoka, Director



あて名 日本国 茨城県つくば市東1丁目1番地1 中央第6 (郵便番号305-8566)

AIST Tsukuba Central 6, 1-1, Higashi 1-chome Tsukuba-shi,
Ibaraki-ken 305-8566 Japan

平成 16 年 (04) 11 月 1 日

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Makoto TSUNEOKA et al. : **Mail Stop: PCT**
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SUBMISSION OF DEPOSIT RECEIPT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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The deposit has been made under the International Budapest Treaty as accession number FERM P-19298.

Respectfully submitted,

Makoto TSUNEOKA et al.

By Warren M. Cheek, Jr.
Warren M. Cheek, Jr.
Registration No. 33,367
Attorney for Applicants

WMC/dlk
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
October 12, 2004

ATTACHMENT D

FORM 7 (relating to Rule 7)

RECEIPT OF DEPOSIT

Notification No.: 15 San-Sei-Ki No. 538
Date of Notice: April 10, 2003

Gakkouhoujin Kurume University

Shigeto MISHIMA, Chairman of Directors

International Patent Organism Depositary,
National Institute of Advanced
Industrial Science and Technology

Shuichi OKA, Director

I. Identification of Microorganism	
(Identification reference given by the depositor) Mouse-mouse hybridoma MT/HK-1	(Deposit number) FERM P-19298
II. Scientific Description and Proposed Taxonomic Designation	
The document containing the following items was attached to the microorganism mentioned in I above. <input checked="" type="checkbox"/> Scientific Description <input checked="" type="checkbox"/> Proposed Taxonomic Designation	
III. Receipt and Acceptance	
The International Depositary Authority accepts the microorganism mentioned in I above which was received on April 9, 2003.	

受 託 証

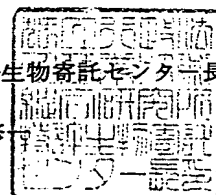
通知番号 : 15 産生寄 第 538 号

通知年月日: 平成 15 年 4 月 10 日

学校法人 久留米大学
理事長 三島 重人 殿

独立行政法人産業技術総合研究所 特許生物寄託センター長

岡 修



1. 微生物の表示	
(寄託者が付した識別のための表示) Mouse-mouse hybridoma MT/HK-1	(受託番号) FERM P- 19298
2. 科学的性質及び分類学上の位置	
1 欄の微生物には、次の事項を記載した文書が添付されていた。 ■ 科学的性質 ■ 分類学上の位置	
3. 受領及び受託	
当センターは、平成 15 年 4 月 9 日に受領した 1 欄の微生物を受託する。	

U.S. APPLICATION NO. (if known, 37 CFR 1.51) NEW 10/509073	INTERNATIONAL APPLICATION NO. PCT/JP03/04699	ATTORNEY'S DOCKET NO. 2004_1597A				
15. <input checked="" type="checkbox"/> The following fees are submitted BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee nor international search fee paid to USPTO and International Search Report not prepared by the EPO or JPO \$1110.00 International Search Report has been prepared by the EPO or JPO \$ 950.00 International preliminary examination fee not paid to USPTO but international search paid to USPTO \$ 790.00 International preliminary examination fee paid to USPTO but claims did not satisfy provisions of PCT Article 33(1)-(4) \$ 690.00 International preliminary examination fee paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$ 100.00 ENTER APPROPRIATE BASIC FEE AMOUNT =		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">CALCULATIONS</th> <th style="width: 50%;">PTO USE ONLY</th> </tr> <tr> <td style="height: 100px;"></td> <td></td> </tr> </table>	CALCULATIONS	PTO USE ONLY		
CALCULATIONS	PTO USE ONLY					
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$				
Claims	Number Filed	Number Extra	Rate			
Total Claims	-20 =		X \$18.00	\$		
Independent Claims	- 3 =		X \$88.00	\$		
Multiple dependent claim(s) (if applicable)			+ \$300.00	\$		
TOTAL OF ABOVE CALCULATIONS =				\$950.00		
<input type="checkbox"/> Small Entity Status is hereby asserted. Above fees are reduced by 1/2.				\$		
SUBTOTAL =				\$950.00		
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$	
TOTAL NATIONAL FEE =				\$950.00		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property				+	\$	
TOTAL FEES ENCLOSED =				\$950.00		
				Amount to be refunded	\$	
				Amount to be charged	\$	
a. <input checked="" type="checkbox"/> A check in the amount of \$950.00 to cover the above fees is enclosed. A duplicate copy of this form is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 23-0975 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>23-0975</u> .						
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.						
19. CORRESPONDENCE ADDRESS <div style="text-align: center;"> CUSTOMER NO. 000513 </div>			By: <u>Warren M. Cheek, Jr.</u> Warren M. Cheek, Jr. Registration No. 33,367 WENDEROTH, LIND & PONACK, L.L.P. 2033 "K" Street, N.W., Suite 800 Washington, D.C. 20006-1021 Phone: (202) 721-8200 Fax: (202) 721-8250 <div style="text-align: right;">October 12, 2004</div>			